



The Gazette of Meghalaya

PUBLISHED BY AUTHORITY

No. 24

Shillong, Thursday, August 3, 2006, 12th Sravana,

1928 (S. E.)

PART II-A

GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 20th July, 2006.

OFFICE MEMORANDUM

No.VET(E)80/2002/138.—Pending framing and finalization of the Service Rules the Governor of Meghalaya is pleased to order that the following procedure should be followed in the matter of recruitment to the post under the control of the A. H. Veterinary (Statistical Wing) Department with immediate effect:-

1. **Deputy Director (Statistics):**-Appointment to the post of Deputy Director shall be filled up by promotion from amongst the Research Officers possessing a Degree with at least 5 years of continuous Service in the post.
2. **Research Officer (Statistics):**-Appointment to the post of Research Officer shall be filled up by promotion from amongst the Statistical Officers possessing a Degree with at least 3 years of continuous Service in the posts.
3. **Statistical Officers** :-Appointment to the post of Statistical Officers shall be filled up by promotion from amongst the Inspector of Statistics possessing a Degree with Economics/Stat/Math as one of the subjects and with at least 3 years of continuous Service in the post and by direct recruitment on 50 : 50 basis.
4. **Inspector of Statistics** :- Appointment to the post of Inspector of Statistics shall be filled up by promotion from amongst the Statistical Assistant possessing a Degree with at least 3 years of continuous Service in the posts.
5. **Statistical Assistant** :- Appointment to the post of Statistical Assistant shall be filled up by promotion from amongst the Computer Clecks/Statistical Primary Investigators possessing educational qualification of P.U. passed or equivalent with at least 3 years of continuous Service in the post and by direct recruitment on 50:50 basis.
6. **Computer Cleck/Statistical Primary Investigators** :- Appoinmrent to the post of Computer Clecks/Statistical Primary Investigators shall be filled up by direct recruitment through the District Selection Committee.
7. **Appointing Authority** :- The appointing for the posts under items 1 to 3 shall be the Governor and for the post under item 4 to 6 shall be the Head of Department.
8. **Departmental Promotion Committee** :- (a) For the purpose of appointment by promotion to the post of Deputy Director (Statistics) and Research Officer (Statistics) and Statistical Officer, there shall be a Departmental Promotion Committee consisting of the following members:-

- i) Chief Secretary - Chairman.
- ii) Principal Secretary/Commission and Secretary A.H. Vety Department. - Member Secretary.
- iii) Principal Secretary/Commissioner and Secretary Secretary/Addl. Secretary, Personnel Administrative Reforms Department. - Member.
- iv) Principal/Secretary/Commissioner and Secretary/ Secretary, Finance Department. - Member.
- v) Director of A.H. and Veterinary. - Member.
- (b) For the purpose of appointment by promotion to the post of Inspector of Statistics/Statistical Assistant there shall be a Departmental Promotion Committee consisting of the following members:-
- i) Director, A.H. Veterinary Meghalaya, Shillong. - Chairman.
- ii) Joint Director (HQ) - Member .
- iii) Deputy Director (HQ) - Member Secretary
- iv) Deputy Director (Statistics) - Member.
- The Committee may invite any other person to attend its meeting as and when considered necessary.
9. The number of posts with scales of pay are indicated in Annexure.
10. These orders shall remain in force till the promulgation of the service Rules.

ANNEXURE

Sl. No.	Name of the Post	Time Scale Pay	Number of post		Total
			Permanent	Temporary	
	Grade-I(Senior)				
1.	Deputy Director (Statistics)	8750-275-10400-EB-300-13100.	-	1	1
	Grade-II (Senior)				
2.	Research Officer	6850-240-8290-EB-250-10040-260-11600.	1	-	1
	Grade-II (Junior)				
3.	Statistical Officer	6350-225-7700-EB-240-9380-250-11130.	2	1	3
	Grade-III (Senior)				
4.	Inspector of Statistics	5500-160-6460-EB-175-7860-190-9760.	-	1	1
	Grade-III (Junior-A)				
5.	a) Statistical Assistant	5300-150-6200-EB-160-7480-170-9180.	2	6	8
	b) Computer Clerk/Primary Investigator.	3450-80-3980-EB-90-4650-100-5650.	4	-	4

P. NAIK,

Commissioner and Secretary to the Govt. of Meghalaya
A. H. and Veterinary Department.

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION**(Appointment of Consultants)****Regulations, 2006**

No.MSERC 2006/5.—In exercise of the powers conferred by sub-section (2) of Section 182 read with sub-section (4) of Section 91 of the Electricity Act, 2003 and all other powers enabling it in that behalf, the Meghalaya State Electricity Regulatory Commission hereby makes the following regulations, namely :-

1. Short title and commencement

1. These regulations may be called the Meghalaya State Regulatory Commission (Appointment of Consultants) Regulations, 2006.
2. They shall come into force on the date of their notification in the Gazette of Meghalaya.

2. Definitions.

- a. "Commission" means the Meghalaya State Electricity Regulatory Commission;
- b. "Consultant" means a consultant appointed as such under regulation 3 of these regulations and it includes a person, an association of persons, an institution, organization, society or company.

3. Appointment of consultants.

1. The Commission, whenever it considers that any work or matter before it requires specialized or professional skills or knowledge in the field of -
 - a. engineering and technology;
 - b. finance, law, economics, accounting, or environment;
 - c. management of power sector; or
 - d. any other relevant field of activities,may, by order, appoint a consultant to study analyze and report to the Commission.
2. The scope, nature and conditions of a consultancy shall be such as may by agreement be laid down.
3. Different agreements, including supplementary agreements, may be executed for different assignments.
4. Where the nature of any work or matter so requires, a consultant may be appointed on a full time basis for a period of not more than one year at a time or until the requirement ceases and the fees, remunerations and other facilities shall be such as the Commission may determine.
5. Any consultant appointed under these regulations shall not be deemed to be an officer or employee of the Commission.
6. No consultant shall be appointed if his other engagements are likely to affect or interfere with his obligations in relation to the work of the Commission.
7. The consultant shall not part with, utilise or disclose elsewhere any information or data collected for the work of the Commission.

4. Payment to consultants

Payment of fees to a consultant may be made by way of a retainer or on the basis of completion of the work assigned or according to fixed milestones as may be specified in the agreement.

5. Offers for consultancy services

1. For selecting consultants the Commission will invite offers, technical, commercial and otherwise, from prospective consultants and shall scrutinize and evaluate the offers, it receives in such manner as it may consider necessary before making a selection. If necessary the Commission may constitute a committee consisting of evaluators and other experts to scrutinize the offers.
2. Whenever any work is assigned to a particular consultant, the consultant shall not reassign it to any other consultant.

6. Reports

The Commission may from time to time call for interim reports, including interim implementation reports from the consultant.

7. Inherent powers of the Commission

(1) Nothing in these regulations shall bar the Commission from adopting a different procedure from that prescribed provided that the principles spelt out under these regulations are not violated and the Commission is convinced of the existence of special circumstances necessitating the deviation. The reasons for all such exceptional decisions will require to be reduced to writing so as to establish the rationale for doing so.

(2) The provisions of these regulations will not apply to any consultant appointed by the Commission prior to the coming into force of these regulations.

Secretary
Meghalaya State Electricity Regulatory Commission.

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION
(Redressal of Grievances)
REGULATIONS, 2006

Notification No.MSERC 2006/3.—In exercise of the powers under sub-section (2) of Section 181 of the Electricity Act, 2003 and all other powers enabling it in this behalf, the Meghalaya State Electricity Regulatory Commission hereby makes the following regulations, namely :-

CHAPTER I

GENERAL

1. Short title and commencement

1. These regulations may be called the Meghalaya State Electricity Regulatory Commission (Redressal of Grievances) Regulations, 2006.
2. They shall come into force on the date of their notification in the Gazette of Meghalaya.

2. Definitions.

In these regulations, unless the context otherwise requires -

- (a) "Act" means the Electricity Act, 2003;
- (b) "Commission" means the Meghalaya State Electricity Regulatory Commission.
- (c) "Complaint" means a letter or representation filed with the Forum seeking redressal of grievances concerning the supply of electricity or the services rendered by the licensee;
- (d) "Forum" means Forum for redressal of grievances of the consumers to be constituted by a licensee in terms of sub-section (5) of Section 42 of the Act;
- (e) "Licensee" means a distribution licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in the concerned area of supply and shall include the deemed distribution licensee under the proviso to Section 14 of the Act;
- (f) "Ombudsman" means the Electricity Ombudsman appointed or designated as such by the Commission, under sub-section (6) of Section 42 of the Act;
- (g) "State" means the State of Meghalaya.

CHAPTER II

REDRESSAL FORUM AND GUIDELINES

3. Constitution of Forums

- (1) Every licensee shall within two months from the coming into force of these regulations or six months from the date of grant of licence, establish a Forum for redressal of grievances of consumers.
- (2) A Forum shall consist of a Chairperson and two other members (collectively referred to as members) of integrity and having adequate knowledge in dealing with problems in electrical engineering, administration or consumer affairs. One of the members of the Forum shall be a woman.

- (3) The members of a Forum shall hold office for a term of three years,
- (4) No member will be appointed to a Forum after attaining the age of 65 years.
- (5) For dealing with any matter of importance the Chairperson may co-opt any person and such person shall have the right to participate in the deliberations of the Forum but shall not have the right to vote.
- (6) The Chairperson shall preside over meetings of the Forum and shall have powers to superintend and appoint staff as may be required.
- (7) The pay or allowance of the members and the sitting fee of a person co-opted under sub-clause (4) shall be such as the Commission may by order direct and shall be borne by the licensee.
- (8) The licensee shall give publicity about the establishment of any Forum and its accessibility to consumers and other members of the public in relation to complaints connected with supply of electricity or related services.

4. Guidelines

- (1) While establishing a Forum the licensee shall give due consideration to the need to ensure accessibility and the convenience of the consumers and the public residing within the area of supply.
- (2) At least one Forum shall be established in each district of the State falling within the area of supply.
- (3) The office of the Forum shall be kept regularly open to receive complaints or representations from the consumers or any member of the public.
- (4) Every complaint or representation received shall be acknowledged and entered serially date-wise in a register to be kept for the purpose.
- (5) Every complaint or representation shall be disposed of by the members sitting together within a period of not more than 45 days from the date of its receipt and the person making the complaint or representation, as the case may be, shall be informed of the decision taken.
- (6) The Forum shall communicate the decision taken to the licensee for compliance.
- (7) In dealing with any complaint or representation the Forum may, if required, call for replies or facts relating thereto from the licensee, or hear him before taking a decision.

CHAPTER III

ELECTRICITY OMBUDSMAN

5. Appointment

- (1) The Commission shall appoint an Electricity Ombudsman for the State for performing the functions envisaged in sub-section (7) of Section 42 of the Act.
- (2) The Ombudsman shall be a person of ability, integrity and standing and having experience of not less than twenty years in the field of administration, law or electrical engineering.
- (3) The Ombudsman shall hold office for a period of five years from the date of appointment and until the age of 65 years whichever is earlier and shall not be eligible for re-appointment.

- (4) The Ombudsman shall receive a fixed remuneration of Rs. 25,000/- per month.
- (5) The Commission may permit the Ombudsman to tour within the State for which he will be entitled to travelling allowance at the rate prescribed for Group A employees of the State Government.
- (6) All expenses relating to the Ombudsman and his establishment shall be borne by the Commission.

6. Functions

- (1) The Ombudsman shall be the authority to receive representations from consumers or persons aggrieved due to non compliance by the licensee of a decision of the Forum.
- (2) Any representation as referred to under sub clause (1) shall be made within thirty days from the date the Forum gave its decision on the complaint. Provided that the Ombudsman may entertain any representation filed after thirty days if he is satisfied that there are reasons for him to do so.
- (3) The decision taken by the Ombudsman shall be final.
- (4) For making his recommendation, the Ombudsman may call for replies and information data or document from the licensee as he may consider necessary.

CHAPTER IV

MISCELLANEOUS

7. Settlement

- (1) As far as may be practicable the Forum and the Ombudsman shall strive to promote mutual settlement of any complaint between the consumer or person and the licensee through mediation and conciliation before embarking on proceedings under these regulations.

8. Power to remove difficulties

If in any matter any difficulty arises in giving effect to any of the provisions of these regulations the Commission may by general or by special order do anything, not being inconsistent with the Act, which appears to be necessary or expedient for removing the difficulty.

By order of the Commission

Secretary

Meghalaya State Electricity Regulatory Commission.

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION
(Conduct of Business Regulations)

Notification No.MSERC 2006/1.—In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (Act 36 of 2003) and all powers enabling it in that behalf, the Meghalaya Electricity Regulatory Commission hereby makes the following regulations.

CHAPTER I

GENERAL

Short title and commencement

1. (1) These regulations may be called the Meghalaya State Electricity Regulatory Commission (Conduct of Business) Regulations, 2006.
- (2) They shall come into force on the date of their publication in the Gazette of Meghalaya.

CHAPTER II

Definitions and interpretation

2. In these regulations, unless the context otherwise requires:
 - (a) “Commission” means the Meghalaya State Electricity Regulatory Commission.
 - (b) “consultant” includes any individual, firm, body or association of persons, not in the employment of the Commission, who possesses or has access to any specialized knowledge, experience or skill.
 - (c) “Electricity Act” means the Electricity Act, 2003 (Act 36 of 2003).
 - (d) “officer” means an officer of the Commission.
 - (e) “petition” means and includes all petitions and appeals and other papers and documents filed in relation thereto, and the word “petitioner” shall be construed accordingly.
 - (f) “proceedings” means and include proceedings of any nature that the Commission may conduct in the discharge of its functions under the Electricity Act.
 - (g) “regulations” means the Meghalaya State Electricity (Conduct of Business) Regulations, 2006.
 - (h) “Secretary” means the Secretary of the Commission.
 - (i) Words and expressions used but not defined in the regulations shall have the meanings assigned to them in the Electricity Act.

CHAPTER III

Commission's Office, Office Hours, Sittings and Language

Commission's Headquarters

2. The headquarters of the Commission shall be in Shillong

Office Hours

4. Unless otherwise directed, the office of the Commission shall be open daily from 10 a. m. to 1.30 p. m. and from 2.30 p. m. to 4 p. m. from Monday to Friday for transacting public business. The Commission shall observe all holidays so declared by the State Government and shall also not hold office on Saturdays and Sundays.
5. Where the last day for doing of any act including the filling of any petition falls on a day on which the office of the Commission is closed and by reason thereof, such act cannot be done on that day, it may be done on the next day on which the office is open.

Sittings

6. The Commission may hold sittings for hearing matters at the headquarters or at any other place on days and time to be specified by the Commission.

Language

7. The proceedings of the Commission shall be conducted in English.

CHAPTER IV

Seal of the Commission

11. (1) There shall be a separate seal indicating that it is the seal of the Commission.
- (2) Every order or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be certified by a designated officer.

CHAPTER V

Participation of Consumer Associations

12. It shall be open to the Commission to permit any association or other bodies corporate or any group of consumers to participate in any proceedings before the Commission.
13. The Commission may authorize any person, as it deems fit, to represent consumers' interests in the proceedings before it. The Commission may also direct payment to such persons such fees, costs and expenses by such of the parties in proceedings as the Commission may consider appropriate.

CHAPTER VI

General Rules Concerning the Proceedings before the Commission

Proceedings, deliberations, enquiries, etc., before the Commission

14. The Commission may from time to time hold hearings, meetings, discussions, deliberations, enquiries, investigations and consultations as it may consider appropriate in the discharge of its functions under the Electricity Act.

15. All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a civil court for the purposes of Sections 345 and 346 of the Code of Criminal Procedure.

Conduct of Meetings

16. The Chairperson shall preside over meetings of the Commission.
17. All questions which come up before any meeting of the Commission shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding shall have a second or casting vote.
18. Save as otherwise provided in clause 17 above, every Member shall have one vote.
19. Where a matter is required to be decided by the Commission urgently, the Chairperson may, instead of bringing the matter for discussion at a meeting of the Commission, direct that it may be circulated to the Members for a decision.

Authority to represent

20. A party to the proceedings before the Commission may appear personally or through an authorised advocate, member of any statutory professional body holding a certificate of practice or a duly authorised representative.

Initiation of proceedings

21. The Commission may initiate any proceedings *suo moto* or on a petition filed by any affected person.
22. The notice of the initiation of the proceedings may be issued by the Commission and the Commission may give such orders and directions as it deems necessary for service of notices to the affected parties, the filing of reply in opposition or in support of the petition in such form as it may direct.
23. The Commission may, if it considers appropriate, issue orders for publication of the petition or reply inviting comments on the issues involved in the proceedings in such form as the Commission may direct.
24. While issuing a notice of inquiry, the Commission may designate an officer of the Commission or any other person, whom the Commission considers appropriate, to present the matter in the capacity of a petitioner in the case.

Petitions and replies before the Commission

25. (1) All petitions or replies to be filed before the Commission shall be typewritten or in electronic format (soft copies) printed neatly and legibly with appropriate numbering of paragraphs and pages. The petition or reply shall be accompanied by such documents, supporting data and statements.
(2) The petition or reply shall refer to the specific provisions of the relevant law.
(3) On receiving any application or complaint other than the petition, the Commission shall have a right either to change such application or complaint into a petition and initiate its proceedings or send such application or complaint to the concerned licensee or utility for appropriate action.

Headings

26. The headings in all petitions and replies before the Commission shall be as per the format prescribed in the annexed Form-I. Any notices and advertisements pertaining to such petitions and replies shall also be in accordance with Form-I.

Affidavit in support

27. The petition or reply, as the case may be, shall be supported by an affidavit which shall be in the annexed Form - II.

Presentation, scrutiny and admission of petitions

28. (1) Petitions are to be presented in person or by a duly authorised agent to a designated officer of the Commission. Petitions will be duly acknowledged.
- (2) The designated officer shall scrutinise all petitions and may decline to accept any application found to be not in order.
- (3) in the case of complaints of individual consumers, class of consumers or any consumer organisation, the Commission may refer the matter to the Forum established under sub-section (5) of Section 42 of the Electricity Act.
- (4) A petition once or accepted will be taken up for hearing in accordance with the provisions of these regulations.

Service of notices and processes

29. (1) Any notice or process to be issued by the Commission may be served by any one or more of the following modes as may be directed by the Commission:
- (a) service by any of the parties to the proceedings;
 - (b) by hand delivery through a messenger;
 - (c) by registered post with acknowledgement due;
 - (d) by advertisement in newspapers where the Commission is satisfied that it is not reasonably practicable to serve the notices;
 - (e) in any other manner as considered appropriate by the Commission.
- (2) The Commission shall be entitled to decide in each case the persons who shall bear the cost of such service.
30. Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.
31. In the event any matter is pending before the Commission and the person to be served has authorised an agent or representative to appear for or represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as due service on the person to be served.
32. Where a notice is served by a party to the proceedings either in person or through registered post, an affidavit of service shall be filed by the party with the Commission giving details of the date and manner of service of notices and processes.
33. Where any petition or reply is required to be advertised, it shall be advertised in such form in the newspapers to be specified, for such duration and within such time as the Commission may direct.
34. In default of compliance with the requirements of the regulations or directions of the Commission as regards the service of notices, summons or processes or the advertisement and publication thereof, the Commission may either dismiss the petition or give such other or further directions as it thinks fit.

35. No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person, provided that the Commission is satisfied that such service is in other respects sufficient, and no proceedings shall be invalidated by reason of any defect or irregularity unless the Commission, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or that there are otherwise sufficient reasons for doing so.

Filing of reply, opposition, objections, etc.

36. Each person to whom the notice of inquiry or petition is issued (hereinafter called the 'respondent') who intends to oppose the petition shall file the reply and the documents relied upon within such period and in such number of copies as may be ordered by the Commission. In the reply the respondent shall specifically admit, deny or explain the facts stated in the notice and may also state such additional facts as he considers necessary. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the petition.
37. The respondent shall serve a copy of the reply along with copies of documents on the petitioner or his authorised representative and file proof of such service with the office of the Commission at the time of filing of the reply.
38. Where the respondent states additional facts as may be necessary for the just decision of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply *mutatis mutandis* to the filing of the rejoinder.
39. (1) Every person who intends to file objection or comments in regard to a matter pending before the Commission, pursuant to the advertisement issued for the purpose (other than the persons to whom notices processes etc. have been issued calling for reply) shall deliver to an officer designated by the Commission for the purpose the statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.
- (2) The Commission may permit or invite such person or persons including associations, forums and bodies corporate to participate in the proceedings before the Commission if, on the report received from the officer, the Commission considers that the participation of such person or persons will facilitate the proceedings and the decision in the matter.
- (3) Unless permitted or invited by the Commission, the person filing objection or comments shall not be entitled to participate in the proceedings to make oral submissions. However, the Commission shall be entitled to take into account the objections and comments filed after giving such opportunity to the parties to the proceedings as the Commission considers appropriate to deal with the objections or comments.

Hearings

40. The Commission may determine the stages, manner, place, date and time of hearings as the Commission considers appropriate.
41. (1) The Commission may decide any matter on the pleadings of the parties, affidavits in support thereof and evidence on record.
- (2) The Commission may direct the parties to file written arguments or submissions in the matter.

Powers of the Commission to call for further information, evidence, etc.

42. The Commission shall, for the purposes of any inquiry or proceedings under these regulations, have the powers as are vested in a civil court under the Code of Civil Procedure, 1908 for the following matters namely:
- (a) summoning and enforcing the attendance of any person and examining him on oath;

- (b) requiring the discovery and production of any document or other material object producible as evidence;
 - (c) receiving evidence of affidavits;
 - (d) requisitioning of any public record or a copy thereof from any court or office;
 - (e) issuing commission for the examination of witnesses or documents;
 - (f) reviewing its decisions, directions and orders;
 - (g) any other matter which may be prescribed;
 - (h) any other matter which may be specified by the Commission by regulations or otherwise.
43. (1) The Commission, or any officer specially authorised in this behalf by the Commission, may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of Section 100 of the Code of Criminal Procedure.
- (2) The Commission may also exercise the aforesaid power if it has a reason to believe that any document relevant to the inquiry or the proceedings pending before it may be destroyed, mutilated, altered, falsified or secreted.

Reference of issues to others

44. (1) At any stage of the proceedings, the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including, but not limited to, the officers and consultants of the Commission whom the Commission considers as qualified to give expert advice or opinion.
- (2) The Commission may nominate from time to time any person including, but not limited to, the officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.
- (3) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in clause (1) or clause (2) above to present their respective views and/or make presentation on the issues or matters referred to.
- (4) The report or the opinion received from such person shall form part of the record of the case and the parties shall be given copies of the report or opinion given by the person designated. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion, as the case may be.
- (5) The Commission shall duly take into account the report or the opinion given by the person, the reply filed by the parties while deciding the matter and if considered necessary, the examination before the Commission of the person giving the report or the opinion.
- (6) The Commission may, if deemed appropriate, refer matters to other agencies and bodies dealing with consumer disputes, restrictive and unfair trade practices and management and administration of the affairs of the licensees.

Procedure to be followed where any party does not appear.

45. Where the petitioner or the respondent is called or supposed to appear in person and does not appear in person nor shows sufficient cause for non-appearance, the Commission may:

- (a) dismiss the application or complaint if he is the applicant or complainant; or
- (b) proceed *ex parte* if he is the opponent or respondent and may pass appropriate orders:

Provided, that the Commission may not proceed *ex parte* against the opponent or respondent unless the applicant or complainant proves the service of summons to such opponent or respondent.

Orders of the Commission

- 46. (1) On conclusion of hearing of the case before the Commission, the Commission shall pronounce judgement.
- (2) The judgement shall be dated and signed and once signed, shall not be altered, unless there is a clerical or arithmetical mistake in it or errors arising therein from any accidental slip or omission.
- (3) The judgement shall contain a brief statement of the facts, the points or issues for determination, decision thereon and the reasons for such decision.
- 47. In case, at any hearing, the Chairman or any member of the Commission dissents, he shall give his dissenting judgement with reasons, Majority view of the Commission shall be final in the judgement.
- 48. All orders and decisions issued or communicated by the Commission shall be certified by the signature of the Secretary or an officer empowered in this behalf by the Chairperson and bear the official seal of the Commission.

Interim Orders

- 49. The Commission shall have the powers to pass such interim order in any proceeding, hearing or matter before the Commission as the Commission may consider appropriate, having regard to the facts and circumstances of the case.

Special Provisions for contravention of license, regulations or terms of the Electricity Act:

- 50. Where the Commission, on the basis of material in its possession, is satisfied that:
 - (a) a licensee is contravening, or is like to contravene:
 - (i) any of the conditions mentioned in his license; or
 - (ii) any of the conditions for grant of exemption or
 - (b) a licensee or a generating company has contravened or is likely to contravene any of the provisions of the Electricity Act or rules or regulations made thereunder, the Commission shall, by an order, give such directions as may be necessary for the purpose of securing compliance with that condition or provision. While giving such directions the Commission shall have due regard to the extent to which any person is likely to sustain loss or damage due to such contravention.
- 51. The Commission, before passing orders under clause 49 above, shall give such licensee or the generating company, as the case may be, an opportunity to make submissions with respect to any such contravention or likelihood of such contravention. On hearing such submissions, the Commission may pass necessary orders. Before issuing any such orders, the Commission shall:

- a. serve notice to the concerned licensee or the generating company in the manner specified in these regulations;
- b. publish the notice in a suitable newspaper in addition to posting it in the premises of the Commission for the purpose of bringing the matter to the attention of persons affected or likely to be affected;
- c. consider suggestion or objections from the concerned licensee or generating company and the persons affected, or likely to be affected.

Non compliance of orders and directions

52. In case any complaint is filed before the Commission by any person or if the Commission is satisfied that any person has contravened any provisions of the Acts or rules or regulations made thereunder, or any direction issued by the Commission, the Commission may after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under the Electricity Act, such person shall pay, by way of penalty, which shall not exceed one lakh of rupees for each contravention and in case of a continuing failure with an additional penalty which may extend to six thousand rupees for every day during which the failure continues after contravention of the first such direction.
53. Any amounts payable under Clause 52 above, if not paid, may be recovered as arrears of Government revenue.

Chapter-VII

Investigation, Inquiry, Collection of Information, etc.

54. The Commission may make such order or orders as it thinks fit for collection of information, inquiry, investigation, entry, search, and seizure and without prejudice to the generality of its powers in regard to the following:
 - (a) The Commission may, at any time, by order in writing, direct the Secretary, or any one or more officers, or consultants, or any other person as the Commission may designate (hereinafter referred to as "investigating authority") to study, investigate or to inspect any matter under the purview of the Commission and to report to the Commission:

provided that the investigating authority may, when necessary, employ any auditor or any other technically competent person for the purpose of assisting him in any investigation or inspection.
 - (b) The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.
 - (c) Any investigating authority, directed to make an investigation or inspection, may examine any manager, managing director or other officer of the licensee or generating company, as the case may be, in relation to his business.
 - (d) It shall be the duty of every manager, managing director or other officer of the licensee or generating company, as the case may be, to produce before the investigating authority all such books of account, registers and other documents in his custody or power and to furnish him with any statement and information relating to the affairs of the licensee or generating company, as the case may be, as the said investigating authority may require of him within such time as the said investigating authority may specify.

- (e) The Commission may issue such directions for the purpose of collecting any information, particulars or documents which the Commission considers necessary in connection with the discharge of its functions.
 - (f) If any such report or information obtained appears to the Commission to be insufficient or inadequate, the Commission or the investigating authority may give directions for further inquiry, report and furnishing of information.
 - (g) The Commission may direct that such incidental, consequential and supplemental matters, be attended to which may be considered relevant in connection with the above.
55. The Commission may, after giving reasonable notice to the licensee or the generating company, as the case may be, publish the report submitted by the investigating authority or such portion as may appear to it to be necessary.
56. The Commission may, at any time, take the assistance of any institution, consultants, experts and such other technical and professional persons, as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Commission may determine the terms and conditions for engagement of such professionals.
57. If the report or information obtained in terms of the above clauses is proposed to be relied upon by the Commission for forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information. The Commission may order the following in writing :-
- (a) require the licensee or the generating company to take such action in respect of any matter arising out of the report as the Commission may think fit; or
 - (b) cancel the license; or
 - (c) direct the generation company to cease to carry on the business of generation of electricity.
58. All expenses of, and incidental to, any investigation made shall be defrayed by the licensee or generating company, as the case may be, and shall have priority over the debts due from the licensee or the generating company and shall be recoverable as an arrears of Government revenue.

CHAPTER VIII

Miscellaneous

Advisory Committee

59. (1) There shall be a Committee known as the State Advisory Committee established as per sub-section (1) of Section 87 of the Electricity Act.
- (2) For attending meetings of the Committee, no sitting fee or overnight stay expenses shall be admissible. Travelling expenses will be reimbursed in the following manner:
- (a) Members staying outside Shillong city shall be paid to & fro fare as admissible to group A officials of the State Government.
 - (b) Members staying in Shillong shall be paid Rs. 250/- as conveyance allowance.

Review of the decisions, directions, and orders

60. (1) Any person aggrieved by a decision or order of the Commission, from which no appeal is preferred or allowed, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was passed by the Commission or on account of some mistake or error apparent from the face of record, or for any other sufficient reason, may apply for review of such order within 60 days of the date of order to the Commission.
- (2) The provision as to the forms and procedure with regard to such review application shall apply *mutatis mutandis* as in case of filing the petition.
- (3) When it appears to the Commission that there is insufficient ground for review, the Commission shall reject such review application.
- (4) Whenever the Commission is of the opinion that the review application should be granted, it shall grant the same, provided that no such application shall be granted without previous notice to the opposite party to enable it to be heard.

Continuance of proceedings after death, etc.

61. (1) Where in any proceeding any of the parties to the proceedings dies or is adjudged as an insolvent or in the case of a company, is under liquidation or being wound up, the proceedings shall continue with the successor-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned, as the case may be.
- (2) The Commission may, for reasons to be recorded, treat the proceedings as abated in case the Commission so directs and dispense with the need to bring the successor-in-interest on the record of the case.
- (3) In case any person wishes to bring on record the successors-in-interest the application for the purpose shall be filed within 90 days from the event requiring the successor-in-interest to come on record. The Commission may condone delay for sufficient reasons.

Proceedings to be open to public

62. The Commission may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceedings of any particular case that the public generally or any particular person or group of persons shall not have access to or be or remain in, the room or building used by the Commission.
63. If any party or person in proceeding before the Commission intentionally insults the Chairperson or any Member or misbehaves or deliberately cause interruption of such proceedings or disobeys an order or direction of the Commission, such party or person, in accordance with the Section 228 of the Indian Penal Code shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs.1,000/- or with both, or dealt with under the Contempt of Courts Act.
- (2) In accordance with Section 345 of the Criminal Procedure Code whoever intentionally offers any insult or cause any interruption in the presence of the Commission, the Commission may cause the offender to be detained in custody and may at any time before the close of the business day of the Commission's office on the same day, take cognizance of

the offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to pay a fine not exceeding Rs.200/- and in default, to simple imprisonment for a term which may extend to one month.

64. If the Commission, in any case as referred to in the above clause, considers that a person accused of any of the offences referred to thereunder and committed in its view or presence should be imprisoned otherwise than in default of payment of fine or with a fine exceeding Rs.200/- may forward the case to a magistrate having jurisdiction to try the same and may require security be given for the appearance of such person before such magistrate. If sufficient security is not given, shall forward such person in custody to such magistrate.

Publication of petition or reply

65. (1) Where any petition or reply is required to be published under the Electricity Act or these regulations or as per the direction of the Commission, it shall, unless the Commission otherwise orders or the Acts or Regulations otherwise provide, be advertised not less than 7 days before the date fixed for hearing.
- (2) Except or otherwise provided, such advertisements shall give a heading describing the subject matter in brief.
- (3) Such advertisement to be published shall be approved by the Officer of the Commission designated for the purpose.

Inspection of Commission's records and confidentiality

66. (1) Records of every proceedings, except those parts which for reasons specified by the Commission are declared by the Commission to be confidential or privileged or otherwise not to be disclosed to any person, shall be open to inspection by all the parties to the proceedings either during the proceedings or after any order has been passed in the proceedings, subject to such party complying with such terms as the Commission may direct from time to time including terms in regard to time, place, and manner of inspection and payment of such fees as the Commission may specify.
- (2) Any person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Commission as the pleadings, papers and other parts of the records of the Commission to which he is entitled to inspect, subject to payment of such fee and compliance with such other terms as the Commission may direct.
- (3) A person other than the parties to the proceedings shall be permitted to inspect their records or obtain copies thereof only after final orders are passed in the matter. If such a person wishes to inspect or obtain copies of the records and the proceedings, such a person shall file an affidavit, mentioning the purpose thereof. Such a person shall be allowed to inspect the records or obtain copies only upon approval by the Commission.
- (4) The Commission may, by order, direct that any information, documents, and other papers and materials produced before the Commission or any of its officers, consultants, representatives or otherwise which may be, or come into, their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Commission may also direct that such documents, papers, or material shall not be used in any manner except as specifically authorised by the Commission.

Issue of orders and directions

67. Subject to the provisions of the Electricity Act and these regulations, the Commission may, from time to time, issue orders and directions in regard to the implementation of the regulations and procedure to be followed and various matters which the Commission has been empowered by these regulations to specify or direct.

Saving of inherent power of the Commission

68. Nothing in these regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.
69. Nothing in these regulations shall bar the Commission from adopting a procedure which is not at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
70. Nothing in these regulations shall, expressly or impliedly, bar the Commission from dealing with any matter or exercise any power under the Electricity Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it deems fit.

General Power to rectify defects.

71. The Commission may, at any time and on such terms as to costs or otherwise, as it may deem fit, rectify any defect or error in any proceeding before it, and all acts shall be done for the purpose of determining the real question or issue arising in the proceedings.

Power to remove difficulties

72. If any difficulties arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Electricity Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

Extension or abridgement of time prescribed

73. Subject to the provisions of the Electricity Act, the time prescribed by these regulations or by order of the Commission for doing any act may be extended or abridged for sufficient reason by order of the Commission.

Effect of non-compliance

74. Failure to comply with any requirement of these regulations shall not invalidate any proceeding merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

Costs

75. (1) Subject to such conditions and limitation as may be directed by the Commission, the costs involved, and incidental to, all proceedings shall be awarded at the discretion of the Commission. The Commission shall have full power to determine by whom, or out of what funds and to what extent, such costs are to be paid.
- (2) The costs shall be paid within 30 days from the date of the order or within such time as the Commission may, by order, direct. The order of the Commission awarding costs shall be executed in the same manner as the decree or order of a civil court.

Enforcement of orders passed by the Commission

76. The Secretary shall ensure enforcement and compliance of the orders passed by the Commission in accordance with provisions of the Electricity Act and regulations and if necessary, may seek the orders of the Commission for directions.

Vacancies etc. not to invalidate the proceedings

77. No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.
78. No act done by any person acting in good faith as a Member shall be deemed to be invalid merely on the ground that he was disqualified to be a Member or that there was any other defect in his appointment.

Regulations to be in addition to and not in derogation of other laws

79. These regulations are in addition to and not in derogation of any of the provisions of the Electricity Act or the rules and regulations framed thereunder or under any other law.

Shillong, June, 2006.

Secretary,
Meghalaya State Electricity Regulatory Commission

FORM I

(See Clause 27)

General Heading for Proceedings**BEFORE THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION SHILLONG**

FILING NO.

CASE NO.

(To be filled by the office)

IN THE MATTER OF:

(Gist of the purpose of the petition/Reply or application)

AND

(Names, full addresses, phone no. fax no. and email address of the petitioners/applicants and names, full address, phone no., fax no., and email address of the respondents)

Fact of the case/petition be stated in short

Submission/Ground in support of the case.

Relief clause: Relief prayer made in the Petition/Reply be stated shortly and specifically.

Declaration that the subject matter of the petition has not been raised by the petitioner before any other competent forum, and that no other competent forum is currently seized of the matter or has passed any orders in relation thereto.

Place :

Date :

Signature of the Petitioner/Respondent

FORM II**(See Clause 28(1))****General Heading for Proceedings****BEFORE THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION SHILLONG**

FILING NO.

CASE NO.

(To be filled by the office)

IN THE MATTER OF:

(Gist of the purpose of the Petition or application)

AND

(Names, full addresses, phone no. fax no. and email address of the petitioners/applicants and names, full address, phone no., fax no., and email address of the respondents)

Affidavit verifying the Petition reply/application

I, _____, son of _____ aged _____ residing at _____ do solemnly affirm and say as follows :

1. I am the petitioner/applicant/respondent etc. or I am a Director/Secretary/Partner _____ of _____, the petitioner/applicant/respondent in the above matter and am duly authorised by the said petitioner/applicant/respondent to make this affidavit.
2. The statements made in paragraphs _____ of the petitioner/applicant/reply herein now shown to me and marked with the letter "A" are true to my knowledge and the statements made in paragraphs _____ are based on information and I believe them to be true.

Solemnly affirm at _____ on this day of _____ that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Signature of Petitioner

Identified before me:

MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION

(Powers and Functions of Secretary)

REGULATIONS, 2006

No.MSERC 2006/2.—In exercise of the powers under sub section (2) of Section 181 and Sub Section (1) of section 91 of the Electricity Act, and all other powers enabling it in this behalf, the Meghalaya State Electricity Regulatory Commission hereby makes the following regulations, namely:-

Short title and commencement :-

1. (1) These regulations may be called the Meghalaya State Electricity Regulatory Commission (Powers and Functions of Secretary) Regulations, 2006.
- (2) They shall come into force on the date of their publication in the Gazette of Meghalaya.

Definitions

2. In these regulations unless the context otherwise requires “Act” means the Electricity Act, 2003.
3. Words or expressions occurring in these regulations and not defined herein shall bear the same meaning as in the act.

Functions and duties of the Secretary

4. The Secretary shall be the principal officer of the Commission and shall exercise his powers and perform his duties under the control of the Chairperson.
5. In particular and without prejudice to the generality of the provisions of the Act and the Meghalaya State Electricity Regulatory Commission (Conduct of Business) Regulations 2006, the Secretary shall have the following powers and perform the following duties :-
 - (a) he shall have custody of the records and the Official Seal of the Commission;
 - (b) he shall receive or cause to be received all petitions, applications or reference pertaining to the Commission;
 - (c) he shall prepare or cause to be prepared, briefs and summaries of all pleadings, presented by various parties before the Commission;
 - (d) he shall assist the Commission in all proceedings relating to the powers exercisable by the Commission;
 - (e) he shall authenticate the orders and decisions passed by the Commission and communicate them to the persons concerned;
 - (f) he shall ensure compliance with the orders passed by the Commission;
 - (g) he shall have the right to collect from the Central Government, State Government, State Electricity Boards, licensees, transmission licensees or other offices, companies and firms or any other party, as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act.
 - (h) he shall have powers to modify or rescind any order of the Receiving Officer in regard to the presentation of a petition and to pass appropriate order.

-
6. The Commission may delegate to any officer such powers functions including functions that may be required by these regulations or otherwise to be performed by the Secretary, subject to such conditions as the Commission may specify for this purpose.
 7. The Secretary may, with the approval of the Commission, delegate to any officer of the Commission any functions required otherwise to be performed by him.
 8. In the absence of the Secretary, an Officer as may be authorized by the Chairperson, shall carry out all the functions of the Secretary.
 9. If the Commission considers it necessary, it shall at all times have the authority, *suo moto* or on an application made by an affected party to review or change any order made, or action taken, by the Secretary or officer and pass such orders as it considers appropriate.
 10. If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act which appears to it to be necessary or expedient for the purpose of removing the difficulties.

By Order of the Commission

Secretary,
Meghalaya State Electricity Regulatory Commission.